

PROPOSED AMENDMENTS TO WCAC RULES

Facsimile filing extended: This proposed amendment to Rule 418.2 would extend the time for filing by facsimile until 11:59 p.m. on any regular business day.

PROPOSED RULE LANGUAGE: R418.2(2)

(2) Filing may be accomplished by hand delivery, by mailing, or by facsimile transmission followed by the original document. Facsimile transmissions will be considered filed the next regular business day if received after 11:59 p.m.

Attorney of record designation: This proposed amendment to Rule 418.2 would mandate that only the attorney whose name appears on the Claim for Review or on an Appearance of Counsel will be recognized as the Attorney of Record for purposes of filing documents with, or receiving correspondence from the Commission. An executed Substitution of Counsel will be treated as an Appearance of Counsel.

PROPOSED RULE LANGUAGE: R418.2 add subsection (3)

(3) One attorney of record will be designated by the Commission for each party, for the purpose of receiving correspondence from the Commission. The attorney whose name appears on the Claim for Review or on the most recent Appearance of Counsel will be designated as the attorney of record for that party. An executed Substitution of Counsel will be treated as an Appearance of Counsel.

Receipt of filings: This proposed amendment to Rules 418.4(1) and 418.6(4) would change the word “deemed” to “presumed”, to ensure the parties an ability to argue extenuating circumstances

PROPOSED RULE LANGUAGE: R418.4(1) and R418.6(4)

Rule 4(1) A cross appeal shall be received by the Commission not later than 30 days after the cross appellant has received a copy of the appellant’s brief. The cross appellant shall provide all other parties with copies of the cross appeal. "Receipt of appellant's brief" shall be presumed to have occurred 5 days after the date of service/mailing indicated in the proof of service filed by the appellant with the Commission.

Rule 6(4) An appellee or a cross appellee need not file a brief; however, if the appellee or cross appellee wishes to file a brief, the appellee shall submit the brief to the commission within 30 days after the appellee receives a copy of the appellant’s brief. If the cross appellee wishes to file a brief, the cross appellee shall submit a brief to the commission within 30 days after the cross appellee receives the cross appellant’s brief. "Receipt of appellant's brief" shall be presumed to have occurred 5 days after the date of service/mailing indicated in the proof of service filed by the appellant with the Commission.

Show Cause Orders: This proposed amendment to Rule 418.8 would add the Commission’s current practice of issuing “Show Cause” orders for late filing of transcripts or briefs, and allowing the party to show good cause prior to dismissal.

PROPOSED RULE LANGUAGE: R418.8 Add subsection(2)

Rule 8. (1) The Commission may grant extensions of time to a party to comply with any of these rules for sufficient cause shown, except as otherwise provided in these rules.

(2) An order will issue to “show cause” why an appeal should not be dismissed for failure to timely file a transcript or brief.